

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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7	LN Mgmt v. Gelgotas	2:15-cv-00112-MMD-CWH
	Bank of New York Mellon v. Saticoy Bay	2:16-cv-00246-MMD-CWH
8	Bank of America v. Southern Highlands	2:16-cv- 00404-MMD-NJK
	Bank of America v. Spanish Bay HOA	2:16-cv-00691-MMD-VCF
9	Bank of America v. Aliante Master Assoc.	2:16-cv-00962-MMD-CWH
	Wells Fargo v. SFT Investments Pool	2:16-cv-01069-MMD-VCF
10	Nationstar v. Summit Hills HOA	2:16-cv-01637-MMD-GWF
	US Bank v. SFR Investments Pool	2:16-cv-01719-MMD-CWH
11	Moberly v. Bank of America	3:15-cv-00122-MMD-WGC
	Bank of America v. Rainbow Bend HOA	3:15-cv-00291-MMD-WGC
12	Green Tree Servicing v. Rainbow Bend HOA	3:15-cv-00297-MMD-WGC
	Countrywide v. Willow Hills Commons HOA	3:15-cv-00333-MMD-VPC
13	Bank of America v. Huffaker Hills	3:15-cv-00502-MMD-WGC
	Deutsche Bank v. Williamsburg Townehomes HOA	3:16-cv-00004-MMD-WGC
14	Bank of America v. Esplanade at Damonte Ranch HOA	3:16-cv-00120-MMD-WGC
	Bank of America v. Highland Ranch HOA	3:16-cv-00154-MMD-VPC
15	Bank of America v. Yorkshire Manor I HOA	3:16-cv-00192-MMD-VPC
	Ditech Financial v. TBR I	3:16-cv-00227-MMD-WGC
16	US Bank v. Casoleil HOA	3:16-cv-00307-MMD-WGC
	Ditech Financial v. Dorado HOA	3:16-cv-00351-MMD-VPC

ORDER

Staying Case Pending Issuance of Mandate in
Bourne Valley Court Trust v. Wells Fargo Bank

20 The above referenced cases arise out of a homeowner's association ("HOA")
21 foreclosure and involve a constitutional due process challenge to Nevada Revised
22 Statute Chapter 116's notice provisions. On August 12, 2016, the Ninth Circuit Court of
23 Appeals, in a 2-1 panel decision, found that Chapter 116's notice provisions as applied
24 to nonjudicial foreclosure of an HOA lien before the 2015 amendment to be facially
25 unconstitutional. *Bourne Valley Court Trust v. Wells Fargo Bank, NA*, No. 15-15233,
26 2016 WL 4254983(9th Cir. Aug. 12, 2016). The *Bourne Valley* decision obviously has
27 profound impact on each case. Accordingly, the Court finds that it is appropriate to *sua
28 sponte* impose a temporary stay until the mandate is issued in *Bourne Valley*.

1 A district court has discretionary power to stay proceedings in its own court.
2 *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936); see also *Lockyer v. Mirant Corp.*,
3 398 F.3d 1098, 1109 (9th Cir. 2005). “A trial court may, with propriety, find it is efficient
4 for its own docket and the fairest course for the parties to enter a stay of an action
5 before it, pending resolution of independent proceedings which bear upon the case.”
6 *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir. 1979). “When
7 considering a motion to stay, the district court should consider three factors: (1)
8 potential prejudice to the non-moving party; (2) hardship and inequity to the moving
9 party if the action is not stayed; and (3) the judicial resources that would be saved by
10 avoiding duplicative litigation if the cases are in fact consolidated.” *Pate v. Depuy*
11 *Orthopaedics, Inc.*, No. 2:12-cv-01168-MMD-CWH, 2012 WL 3532780, at *2 (D. Nev.
12 Aug. 14, 2012) (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal.
13 1997)) (internal quotation marks omitted). See also *Dependable Highway Exp., Inc. v.*
14 *Navigators Ins. Co.*, 498 F.3d 1059, 1067 (9th Cir. 2007).

15 These three factors weigh in favor of a brief temporary stay. A temporary stay
16 would promote judicial economy, particularly given *Bourne Valley*'s ruling's effect on the
17 due process issue raised in each case. Any potential hardship or prejudice would be
18 minimal in light of the brief duration of the stay until a mandate is issued in *Bourne*
19 *Valley*. In fact, a stay would benefit the parties as they assess *Bourne Valley*'s import
20 without having to file any unnecessary supplemental briefing.

21 It is therefore ordered that the above referenced actions are temporarily stayed.
22 Upon the Ninth Circuit's issuance of the mandate in *Bourne Valley*, the parties in each
23 case may move to lift the stay. Until that time, all proceedings, except for service of
24 process, are stayed.

DATED THIS 23rd day of August 2016.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE